

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

FILED  
ENTERED  
MAY 04 2009  
AT BALTIMORE  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
DEPUTY

RANDY ANTHONY WEAVER

02/06/1964, INMATE ID # 26586

WASHINGTON COUNTY DETENTION CENTER

500 WESTERN MARYLAND PKWY, HAGERSTOWN, MD

21740

v.

CIVIL ACTION NO.

M. VAN EVANS

And

THE ATTORNEY GENERAL OF THE STATE  
OF MARYLAND

PETITION FOR WRIT OF HABEAS CORPUS

1. NAME AND LOCATION OF THE COURT WHICH ENTERED JUDGMENT /  
CONVICTION BEING CHALLENGED.

CIRCUIT COURT - 24 SUMMIT AVENUE HAGERSTOWN, MD. 21741

2. DATE OF JUDGMENT OR SENTENCE

APRIL 14, 2009

3. LENGTH OF SENTENCE

90 DAYS

4. NATURE OF OFFENSES (all COUNTS)

PETTY THEFT UNDER \$100.00

5. WHAT WAS YOUR Plea (check one)

(a) NOT GUILTY

☒

(b) NOT GUILTY ON Agreed STATEMENT of FACTS

☐

~~(c) GUILTY~~

~~☐~~

(c) NOLO CONTENDERE

☐

(d) Alford Plea

☐

If you entered different pleas to different counts or charges, explain

N/A

6. Kind of TRIAL (check one)

(a) Jury

☐

(b) Judge ONLY

☒

7. DID you TESTIFY AT TRIAL

YES

☐

NO

☒

8. DID you Appeal or seek leave to Appeal to THE Maryland COURT OR SPECIAL Appeals?

YES

☐

NO

☒

If you Answered yes, provide the following information

A. WHAT grounds DID you RAISE?

N/A

POST CONVICTION PETITION

A. NAME AND LOCATION OF THE COURT WHERE YOU FILED.

CIRCUIT COURT - 24 SUMMIT AVE HAGERSTOWN, MD 21241

B. DATE THE POST CONVICTION PETITION WAS FILED.

APRIL 15<sup>TH</sup> 2009

C. WHAT GROUNDS DID YOU RAISE? COURT MUST GIVE ME TIME SERVED - THAT COURT RECORDS SHOW I HAD ALREADY DID (130) DAYS WHICH EXCEEDED THE STATUTORY MAXIMUM OF 90 DAYS IMPOSED BY COURT.

D. WHAT WAS RESULT?

E. WHAT WAS THE DATE OF DECISION?

F. DID YOU FILE AN APPLICATION FOR LEAVE TO APPEAL TO THE COURT OF SPECIAL APPEALS?

YES ☒ NO ☐

G. WHAT WAS THE RESULT?

H. WHAT WAS THE DATE OF THE DECISION BY THE COURT OF SPECIAL APPEALS?

I. IF THE COURT OF SPECIAL APPEALS GRANTED YOUR APPLICATION FOR LEAVE TO APPEAL BUT AFFIRMED A DECISION DENYING POST CONVICTION RELIEF, DID YOU FILE A PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS?

YES ☐ NO ☐

J. WHAT WAS THE RESULT?

K. WHAT WAS THE DATE OF THE DECISION BY THE COURT OF APPEALS?

12. HAVE YOU FILED ANY OTHER ACTIONS IN ANY STATE OR FEDERAL COURT CHALLENGING THE JUDGMENT WHICH IS THE SUBJECT OF THIS PETITION?

YES ☒ NO ☐

IF YOU ANSWERED YES, PROVIDE AN EXPLANATION OF WHAT YOU FILED, WHERE, WHEN AND WHAT THE RESULT WAS.

I SENT A HAND-WRITTEN MOTION ASKING THIS COURT TO INTERVENE CLAIMING I'M BEING HELD ILLEGALLY. I MAILED IT ON APRIL 28<sup>TH</sup> 2009 AND SERVED WARDEN WORK COPY.

13. DO YOU CURRENTLY HAVE PENDING IN ANY STATE OR FEDERAL COURT ANY MOTION, PETITION, OR APPEAL CONCERNING THE JUDGMENT BEING CHALLENGED IN THIS PETITION?

YES ☒ NO ☐

IF YOU ANSWERED YES, DESCRIBE WHAT YOU FILED, WHEN, WHERE, AND ITS CURRENT STATUS.

SEE NUMBER 12 ANSWER ABOVE. I FILED A MOTION WITH THIS VERY COURT.

14. N/A

15. STATE BRIEFLY EVERY GROUND ON WHICH YOU CLAIM YOU ARE BEING HELD UNLAWFULLY. BRIEFLY SUMMARIZE THE FACTS SUPPORTING EACH GROUND. IF NECESSARY, YOU MAY ATTACH ADDITIONAL PAGES.

A. GROUND ONE: ALREADY SERVED TIME (CREDIT FOR TIME SERVED)

SUPPORTING FACTS: COURT RECORDS SHOW I WAS HELD IN CUSTODY FROM MAY 25, 2008 TILL OCTOBER 2, 2008 ON THIS CHARGE. THEREFORE, LONGER THAN THE 90 DAY SENTENCE IMPOSED BY COURT.

16. IF ANY OF THE ISSUES THAT YOU ARE RAISING IN THIS PETITION HAVE NOT BEEN PRESENTED TO A STATE COURT, EXPLAIN WHICH ISSUES ARE BEING RAISED FOR THE FIRST TIME AND WHY?

N/A

17. DO YOU HAVE ANY OTHER SENTENCE(S) TO BE SERVED AFTER YOU COMPLETE THE SENTENCE(S) / COMMITMENT THAT IS BEING CHALLENGED IN THIS PETITION?

YES [ ] NO [X]

WHEREFORE, PETITIONER PRAYS THAT THE COURT GRANT HIM ALL RELIEF TO WHICH HE MAY BE ENTITLED IN THIS ACTION.

I DECLARE UNDER THE PENALTIES OF PERJURY  
THAT THE INFORMATION ABOVE IS TRUE AND  
CORRECT.

SIGNED THIS 1<sup>st</sup> day of May, 2009.

*Randy Ashley Wilson*  
WASHINGTON COUNTY DETENTION CENTER  
500 WESTERN Maryland Parkway  
HAGERSTOWN, MARYLAND

21740